

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

MICHELE DENISE MAYS,

Plaintiff,

vs.

Civ. No. 21-01133 SMV

**KILOLO KIJAKAZI,¹
Acting Commissioner of the Social Security
Administration,**

Defendant.

**ORDER GRANTING UNOPPOSED MOTION FOR ATTORNEY FEES
PURSUANT TO THE EQUAL ACCESS TO JUSTICE ACT**

The Court, having reviewed the parties' Unopposed Motion for Attorney Fees Pursuant to the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412 (Doc. 25), HEREBY ORDERS that attorney fees be, and hereby are, awarded under the EAJA, payable to Plaintiff but mailed to Plaintiff's attorney in the amount of \$7,182.60 in attorney fees. *See Astrue v. Ratliff*, 560 U.S. 586 (2010) (EAJA fees are paid to the prevailing party, not the attorney). Plaintiff is also entitled to costs in the amount of \$402.00, which is to be paid from the Department of Justice's Judgment Fund, 28 U.S.C. § 2412, not agency funds.

IT IS FURTHER ORDERED THAT, if Plaintiff's counsel receives attorney fees under both the EAJA and 42 U.S.C. § 406(b) of the Social Security Act, Plaintiff's counsel shall refund the smaller award to Plaintiff pursuant to *Weakley v. Bowen*, 803 F.2d 575, 580 (10th Cir. 1986).



UNITED STATES MAGISTRATE JUDGE STEPHAN M. VIDMAR

¹ Kilolo Kijakazi was appointed Acting Commissioner of the Social Security Administration on July 9, 2021.

SUBMITTED AND APPROVED BY:

Filed Electronically 10/27/2022

Laura J. Johnson

Attorney for Plaintiff

Armstrong Johnson Law, LLC

Electronically Approved 10/20/2022

Victoria Johnson

Special Assistant United States Attorney